

06-10-03

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b> 7822-82871
First named inventor: Bjorn Paulshus et al.	Group Art Unit: 3637	
Application Number: 09/871,608	Examiner: Chi Q. Nguyen	
Filed: May 31, 2001	Adjustment date: 00/00/0000 06/11/2003 AMONDAF1 00000032 09871608 01 FC:1452 -110.00 OP	
Title: Tension Member	06/18/2003 CKHLOK 00000015 09871608 01 FC:1253 410.00 OP 02 FC:1253 110.00 OP	
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"><li>(1) Petition fee;</li><li>(2) Reply and/or issue fee;</li><li>(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li><li>(4) Adequate showing of the cause of unavoidable delay</li></ul> <p>1. Petition fee</p> <p><input type="checkbox"/> small entity - fee \$ _____ (37 CFR 1.17(I)).</p> <p><input type="checkbox"/> small entity statement enclosed herewith.</p> <p><input type="checkbox"/> small entity statement previously filed.</p> <p><input checked="" type="checkbox"/> other than small entity - fee \$ 110.00 (37 CFR 1.17(I)).</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in</p> <p>the form of Preliminary Amendment (identify the type of reply):</p> <p><input checked="" type="checkbox"/> has been filed previously on January 21, 2003.</p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

June 9, 2003

Date

Thomas W. Tolpin  
Signature

Telephone

Number: ( 312 ) 655-1500

Thomas W. Tolpin

Typed or printed name

Welsh & Katz, Ltd., 120 S. Riverside Plaza, 22nd Fl.

Address

Chicago, Illinois 60606

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

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**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

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☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

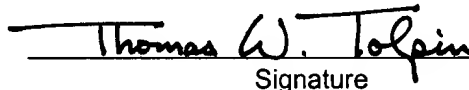
\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

June 9, 2003

Date

  
Signature

Thomas W. Tolpin

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Examiner indicates that the reply to the Office Action expiration period had expired as of January 2, 2003. This is incorrect. The expiration date is February 2, 2003 with a 3 month extension. An Amendment and Reply to the pending Office Action was filed on January 21, 2003 with a Petition for Extension of Time under 37 CFR 1.136. The Petition for Extension of Time however, indicated a request for a two (2) month extension and a filing fee of \$410 instead of a three (3) month extension. This typographical error was made through inadvertence and mistake without intent to deceive. The Petition for Extension of Time however, also indicated "If there is any error in the amount owed, authorization is hereby given to charge such amount to our Deposit Account No. 23-0920". The Amendment and Reply to the Office Action indicated at page 9 "Authorization is hereby given to charge any deficiency in fees or any other fees in connection with the above-identified patent application to our Deposit Account No. 23-0920".

In view of the preceding, it is apparent that the applicants had authorized the U.S. Patent Office to charge any fees in connection with the Amendment and Reply to the Office Action to our deposit account and since the Amendment and Reply to the Office Action was timely filed in the U.S. Patent Office before the expiration date of February 2, 2003, it is respectfully requested that the Notice of Abandonment be withdrawn or in the alternative that this Petition for Revival of an Application for Patent Abandoned Unavoidable Under 37 CFR 1.137(a) be accepted.

Any further fees in connection with the above-identified patent application should be charged to our Deposit Account No. 23-0920.

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*(Please attach additional sheets if additional space is necessary)*



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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail" Post Office to Addressee. Service under 37 CFR 1.10 is on the date indicated above and addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The person mailing this paper is:

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